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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

WHITLEY INTERNATIONAL CO.)	Case No. CV 15-02855 DDP (JCx)
LTD, a Virgin Islands)	
Corporation,)	ORDER DISMISSING CASE FOR LACK OF
)	SUBJECT MATTER JURISDICTION
Plaintiff,)	
)	
v.)	
)	
LESLIE ROSSI, an)	
individual; CAR APPROVAL)	
CORP., a New York)	
corporation;)	
)	
Defendants.)	
)	
)	

Plaintiff's Complaint asserts causes of action fraud and breach of contract. Plaintiff asserted that there is federal jurisdiction over this case based on diversity.

Federal courts are courts of limited jurisdiction. Owen Equip. & Erection Co. v. Kroger, 437 U.S. 365, 374 (1978). District courts have original jurisdiction over "all civil actions where the matter in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs, and is between citizens of different States." 28 U.S.C. § 1332(a). A federal court "is

1 presumed to lack jurisdiction in a particular case unless the
2 contrary affirmatively appears." Stock West, Inc. v. Confederated
3 Tribes of the Colville Reservation, 873 F.2d 1221, 1225 (9th Cir.
4 1989). Plaintiff here, as the party asserting federal
5 jurisdiction, bears the burden of proving that the amount in
6 controversy exceeds \$75,000. In re Ford Motor Co./Citibank (South
7 Dakota), N.A., 264 F.3d 952, 957 (9th Cir. 2001).

8 It does not appear that the jurisdictional amount is
9 satisfied. Although the Complaint makes reference to damages
10 "believed to exceed \$75,000," the nature of any such damages is
11 unclear. Indeed, the Complaint alleges that only \$64,634.27 is
12 owed under the contract. To the extent that Plaintiff intends
13 punitive damages to make up the balance of the minimum amount in
14 controversy, Plaintiff's bare claim to punitive damages in what
15 appears to be, in essence, a breach of contract case does not
16 suffice. See Brown v. Bury, No. 11-cv-01520-LJO-MJS, 2012 WL
17 112645 at *5 (E.D. Cal. Jan. 12, 2012)

18 Accordingly, the court dismisses the case for lack of
19 jurisdiction. See Fiedler v. Clark, 714 F.2d 77, 78-79 (9th Cir.
20 1983) (per curiam) ("[A] federal court may dismiss sua sponte if
21 jurisdiction is lacking.").

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23 IT IS SO ORDERED.

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26 Dated: June 15, 2015


DEAN D. PREGERSON
United States District Judge